

# New Hampshire Department of Transportation



## Request for Qualifications

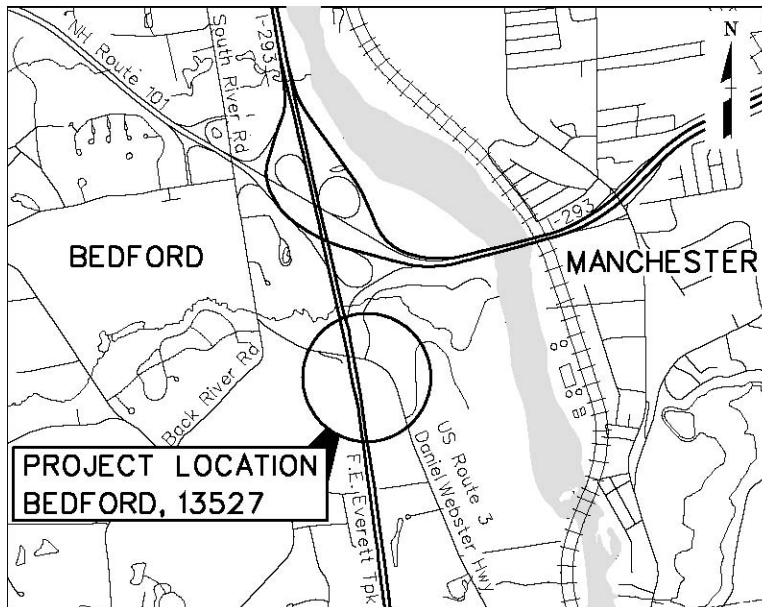
### Design-Build Project

# BEDFORD 13527

US Route 3 over F.E. Everett Turnpike

Bridge Replacement and Roadway Reconstruction

**September 23, 2010**

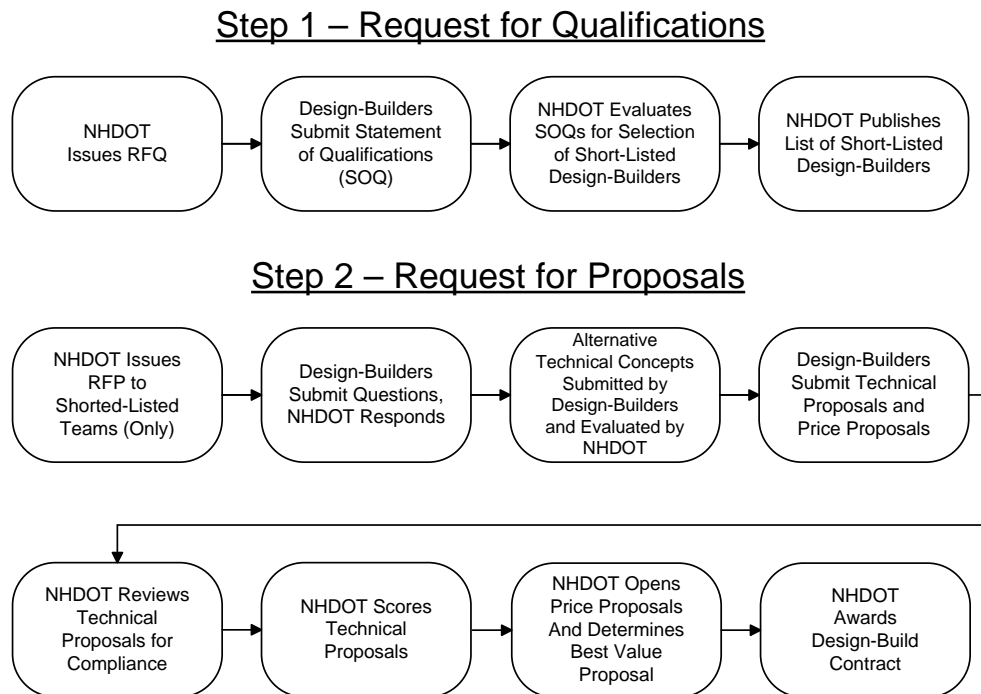


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## 1. Introduction

Pursuant to RSA 228:1 and RSA 228:4, the New Hampshire Department of Transportation (The Department or NHDOT) is soliciting Statements of Qualifications (SOQs) to determine which Design-Builders will be selected to submit a proposal for this project. NHDOT will use a two-step, best-value procurement method for this project as generally depicted in the flow chart shown below. The Department expects to shortlist a minimum of two and a maximum of four Design-Builders. The Department reserves the right to modify the procurement process at any time, to shortlist fewer or more Design-Builders, or to cancel the solicitation if it is in the best interest of the Department to do so.



NHDOT Design-Build (Best Value) Contract Procurement Process Flow Chart

## 2. Definitions

**2.1 Design-Builder.** Design-Builder is defined as the entity that will be executing the Contract with the Department and that will be the single point of contact and responsibility for all obligations under the Contract. The Design-Builder shall be independent with respect to the Department and shall not be, nor shall it hire, an employee, agent, or representative of the Department. The prime contractor for the Design-Builder shall be current on the New Hampshire Department of Transportation prequalified contractor list.

**2.2 Major Participant.** Major Participant is defined as:

- The Design-Builder and any Related Legal Entities, Affiliates, and/or Subsidiaries
- The Builder and all Related Legal Entities, Affiliates, and/or Subsidiaries
- The Designer and all Related Legal Entities, Affiliates, and/or Subsidiaries
- Any firm providing more than 30% of the value of the onsite construction work
- Any firm providing more than 30% of the value of the design work.

### 3. Project Information

#### 3.1 Project Description and Scope

Bedford 13527 US Route 3 over the F. E. Everett Turnpike Bridge Replacement and Roadway Reconstruction Project (The Project) is a non-federally funded project that involves the replacement of the existing Red List Bridge (Bedford #189/121, Route 3 over the F.E. Everett Turnpike) in the Town of Bedford, with associated improvements and widening of US Route 3. The US Route 3 reconstruction will begin approximately 800 feet north of the F. E. Everett Turnpike at the south side of the driveway to the Bedford Highlands Shopping Center (Lowe's and Target) and extend south to a point approximately 700 feet south of the intersection with Hawthorne Drive. The Project includes intersection improvements and a new signal system at Hawthorne Drive, minor horizontal and vertical changes throughout the project limits, and drainage improvements. Two lanes of traffic will be maintained on Route 3 throughout the project limits at all times. Four lanes of traffic and ramp traffic shall be maintained on the F.E. Everett Turnpike at all times.

The Project also includes removal of approximately 25,000 cubic yards of rock ledge along the F.E. Everett Turnpike in the vicinity of the new bridge and installation of single-slope concrete barrier in the Turnpike median from the current terminus located north of the Bedford toll plaza, extending northerly approximately 1,000 feet. The following work is also expected to be the responsibility of the selected Design-Builder upon award of the Design-Build Contract:

- Interpretation of boring data and geotechnical evaluation
- Utility coordination and accommodation
- Final right-of-way (ROW) mapping, appraisals, and assistance with acquisitions
- Any additional survey needed beyond that which is provided by NHDOT
- Any additional subsurface explorations and geotechnical evaluations needed beyond that which is provided by NHDOT
- Coordination with NHDOT to effectively communicate with Bedford municipal and school officials, local residents and businesses, and the traveling public
- Preparation of any environmental permits that may be required. The Department will process the requested permits. This project is non-federally funded and is therefore exempt from the federal NEPA process; however, ACOE, NHDES, and local permits will be required, as applicable.
- Provide a complete Quality Assurance and Quality Control (QA/QC) Program for all design and construction activities.

The current total (design, construction, construction quality control) project cost estimate is \$14 million.

An RFQ Information Packet is available to all potential Design-Builders on NHDOT's website at <http://www.nh.gov/dot/projects/bedford13527/index.htm>.

#### 3.2 Project Design and Construction

The new bridge shall have a minimum out-to-out width of eighty-nine (89) feet, consisting of two 1'-6" rail anchorage zones, two 5' sidewalks, two 5' shoulders adjacent to the sidewalks, four 12' travel lanes, one 14' raised median island transitioning to a 4' raised island off the bridge, and two 2' shoulders adjacent to the raised island.

The US Route 3 roadway shall have four 12' travel lanes, two 5' sidewalks, two 5' shoulders adjacent to the sidewalks, one 14' median island, and two 2' shoulders adjacent to the island. The roadway typical will transition within the median area to include turning lanes at the intersections.

Maintenance of traffic measures shall be employed to effectively convey traffic throughout the project limits during all construction. Once the new bridge has been fully constructed, traffic shall be shifted onto the new bridge and any temporary structures and roadways used during construction shall be closed to traffic and removed.

The Department requires that two-way traffic be maintained on US Route 3 at all times. A reduction to alternating one-way traffic flow may be allowed for short durations during allowable times if the Design-Builder can demonstrate that a reduction in overall construction duration will result and also demonstrate that the temporary traffic control meets all safety standards and NHDOT design requirements without causing excessive or unacceptable travel delays. Traffic control shall be designed to accommodate emergency response vehicles at all times.

The Design-Builder will be responsible for providing a complete Quality Assurance and Quality Control (QA/QC) Program for all design and construction activities. The QA/QC program shall fulfill all State requirements or make provisions for such compliance in coordination with NHDOT. The Design-Builder will be responsible for construction quality control and acceptance testing and also be responsible for design quality control and assurance. Acceptance testing shall be provided by an independent professional engineer or firm licensed in the State of New Hampshire. NHDOT will be responsible for independent spot checks of the Design-Builder's quality program.

### **3.3 Project Status**

The current status of the Project is outlined below. While reasonable effort has been made to ensure the accuracy of this information, it is preliminary in nature and is thus subject to change.

**Survey.** Ground survey has been completed within the limits of the detail shown on the Hearing Plan. This information has been transferred to electronic files in MicroStation format and is available on request. Depending on specific requirements of the Design-Builder's final design, the Design-Builder may need to perform additional survey.

**Plan and Profile.** Preliminary vertical and horizontal alignments have been carried through the Public Hearing process and are available on the Project website. The Design-Builder may elect to use these alignments or propose an alternate alignment as an Alternate Technical Concept (ATC) that meets the requirements that will be outlined in the Request For Proposal (RFP).

**Geotechnical.** Subsurface explorations, rock cores, and geotechnical investigations have been undertaken by the Department. Boring logs and laboratory test results for borings drilled along the alignment shown on the Hearing Plan will be posted when available on the Project website. Boring stations and offsets shown on the boring logs and lab test reports are referenced to a preliminary alignment, and are subject to change when a project-specific alignment is developed. It is anticipated that the Department will conduct a supplemental boring program during the RFP process for this Project.

**Utilities.** There are several utilities located within the project limits that are identified on the Hearing Plan. The Design-Builder will be required to accommodate utilities and coordinate with the utility companies. The Design-Builder will also be responsible for all utility coordination with all utilities for their relocation of their facilities.

**Right-of-Way, Permanent and Temporary Easements.** The existing Right-of-Way (ROW) has been identified by the Department and is shown on the Hearing Plan. The Design-Builder will be responsible for final ROW activities including; appraisal and review by an NHDOT approved appraiser, negotiation with all owners for both permanent and temporary rights, and development of ROW plans. NHDOT will be responsible for acquisition payments to property owners and condemnation of any property rights if the Design-Builder is unsuccessful in negotiating the rights. Acquisition of property rights in addition to those shown on the Hearing Plan, to be used for staging areas, office trailers, equipment storage, lay down areas, or any other property rights for the convenience of Design-Builder shall be the complete responsibility of the Design-Builder.

**Environmental Permits.** The Design-Builder will be responsible for obtaining the necessary environmental permits for the project. The Design-Builder will be required to prepare and submit for approval to jurisdictional agencies all specific plans outlining measures to be taken to comply with the provisions of those permits.

If the Design-Builder varies from the conceptual plans any additional permits, and any delay and associated costs caused by procuring them, will be the responsibility of the Design-Builder.

#### **4. General Information**

##### **4.1 Changes in Key Personnel**

The Department requires that key individuals and major participants presented in the SOQ be retained throughout the solicitation and Contract period in the capacities proposed, unless the Department approves such replacement in writing.

##### **4.2 Stipend**

Each Design-Builder that is selected to submit a proposal, and submits a responsive proposal, but is not awarded the Design-Build Contract, may receive a stipend of \$25,000 to partially offset proposal preparation costs. Acceptance of the stipend will (1) transfer ownership of the proposal to the Department, and, (2) release the Department from any current or future claims or protests made by the Design-Builder relative to the selection process. The Design-Builder will have the option to refuse the stipend.

##### **4.3 Selection Protest**

Every Design-Builder who submits a Statement of Qualifications (SOQ) will be notified of their selection status by NHDOT via email. Any Design-Builder who claims to be aggrieved by having its SOQ rejected by the Department or by not having been selected to submit a technical and price proposal, shall have seven (7) calendar days after receiving notification to submit a written protest to the Department, including a statement of the grounds, facts, and any legal authority, and all documents and affidavits in support of the protest. The Department will issue a written decision regarding the protest within seven (7) calendar days after the filing of protest. If the Department concludes that the entity filing the protest has established a basis for the protest, the issue will be submitted to the Department's Evaluation Committee to determine whether the list of responders selected to submit proposals should be revised. If the Department concludes that the entity filing the protest has not established a basis for the protest, the list of responders selected to submit proposals shall remain unchanged.

## 5. Procurement Information

### 5.1 Schedule

The following schedule is proposed for project procurement and execution. This schedule is preliminary and subject to change.

NHDOT Issues RFQ	Thursday, September 23, 2010
NHDOT Conducts an RFQ Informational Meeting	Tuesday, September 28, 2010, 3:00 PM
Deadline for Design-Builders to Submit Questions on RFQ	Thursday, October 14, 2010, 4:00 PM
NHDOT Issues Responses to RFQ Questions	Thursday, October 21, 2010
Deadline for Design-Builders to Submit SOQ	Thursday, November 4, 2010, 4:00 PM
NHDOT Notifies and Publishes List of Short-Listed Design-Builders	Monday, November 22, 2010
NHDOT Issues RFP	Thursday, January 20, 2011
Deadline for ATC submittals	Thursday, February 17, 2011, 4:00 PM
NHDOT issues responses to ATCs	Thursday, March 10, 2011
Deadline for Design-Builders to Submit Technical and Price Proposal Packages	Thursday, April 21, 2011, 4:00 PM
NHDOT Opens Price Proposals	Thursday, June 2, 2011
NHDOT Awards Contract	August 2011
Design-Builder Begins Project	September 2011
Design-Builder Completes Project	December 2013

The RFQ Informational Meeting will be held in the Main Lobby Conference Room (Room 114) at NHDOT offices in Concord, NH, Tuesday September 28, 2010 at 3:00 PM. Attendance at the meeting by all potential Design-Builders is encouraged but is not required to submit an SOQ.

### 5.2 Questions

Questions on the RFQ shall be submitted via email to Alex Vogt, Project Manager, NHDOT, at email address: AVogt@dot.state.nh.us. The subject line of the email shall clearly state "RFQ Questions - Bedford 13527".

Questions must be received by the Department no later than the date and time shown in Section 5.1. A listing of all questions received and the responses thereto will be posted on NHDOT's website at <http://www.nh.gov/dot/projects/bedford13527/index.htm> on the date listed in Section 5.1. Department responses to questions will not be e-mailed.

Only written questions submitted as described above are allowed. No questions will be received or answered verbally or by any other means.

## 6. Statement of Qualifications (SOQ) Requirements

### 6.1 Submission Guidelines

Seven (7) identical, sequentially numbered copies of the SOQ must be submitted to the Department no later than the date and time shown in Section 5.1. The SOQ must be clearly marked “Statement of Qualifications for Design-Build Contract – Bedford 13527”. The SOQ must include the name, address, phone number, and e-mail address of the key contact person, and other information as required by this RFQ.

To assure uniformity of the SOQs and to facilitate the evaluation process, all SOQs shall meet the following requirements.

- The SOQ shall be submitted on 8 ½ -inch x 11-inch single-sided sheets.
- The SOQ shall be bound (loose-leaf binders will not be accepted) and each section shall be no more than the page limits indicated, and shall use one (1) inch minimum margins and minimum eleven (11) point, Times New Roman font, except charts and tables.
- The cover letter and appendices, except Appendix A, do not have page limits. No additional material, except as requested herein, may be attached or appended to this response.

The SOQ shall be signed by a duly authorized representative of the Design-Builder and addressed to:

For U.S. mail, hand, overnight, or courier delivery:

**Craig Green, Assistant Director of Project Development  
New Hampshire Department of Transportation  
John O. Morton Building  
PO Box 483 | 7 Hazen Drive  
Concord, NH 03302-0483**

The label on the package shall indicate:

**Statement of Qualifications – Bedford 13527  
Design-Build Project**

NHDOT will not accept SOQs by facsimile or electronic transmission. Any SOQ that fails to meet the deadline or delivery requirements will be rejected without opening, consideration, or evaluation.

### 6.2 Submission Contents

#### 6.2.1 Design-Builder Cover Letter

The Design-Builder’s SOQ shall include a cover letter, signed by representatives of the Design-Builder’s Major Participants. This letter shall include:

- A description of the Design-Builder’s proposed legal teaming arrangement such as Prime/Subconsultants/Subcontractor, Joint Venture, Limited Partnership, etc. Each Design-Builder shall submit only one SOQ. Receipt of multiple SOQs from a Design-Builder will cause the Department’s rejection of all SOQ’s from the Design-Builder’s Legal Entities.
- Names and roles of all the Major Participants of the Design-Builder’s team.



- A single point of contact for the Design-Builder with name, address, phone number, fax number, and E-mail address where all communications from NHDOT will be directed.
- A statement declaring that the Design-Builder, and all Major Participants, is/are licensed with the NH Secretary of State to conduct business in their required disciplines .
- A statement declaring the Design-Builder's intent, if short-listed, to submit a Proposal and, if the Proposal is selected, to enter into a Contract with NHDOT to perform the Work.
- An affirmative declaration that to the best of each Major Participant's knowledge and belief, the information supplied by said Major Participant is true and accurate.
- An affirmative declaration and acknowledgement that the Design-Builder is prohibited from receiving any advice or discussing any aspect related to the Project, or the procurement of the Project, with any person or entity having an organizational and/or financial conflict of interest. The declaration and acknowledgement shall also include agreement that if a conflict of interest exists or is discovered at any time, the Design-Builder shall make an immediate and full written disclosure to NHDOT that includes a description of the action the Design-Builder has taken or proposes to take to avoid or mitigate such conflicts. If an organizational conflict exists, NHDOT may at its sole discretion terminate the Design-Build contract or process at any point, or reject the Design-Builder's SOQ or Proposal.
- Authorization for NHDOT to confirm all information contained in the SOQ.
- Acknowledgement that the Design-Builder has read any and all addenda.

## **6.2.2 SOQ and Appendices**

The SOQ shall include information and discussion in the following areas:

- Project Approach
- Organization and Key Personnel
- Relevant Past Performance and Experience.

### **6.2.2.1 Project Approach [Page Limit=10]**

There are several issues to be resolved in the design and construction of the Project including, but not limited to, bridge design and construction, roadway design and construction, intersection design and construction, geotechnical engineering and rock excavation, utility coordination, construction staging, traffic management, ROW activities, and environmental permits. Describe the Design-Builder's approach to addressing each of these issues.

Identify any potential risks that may be associated with this Design-Build project and your approach to mitigate and/or avoid these risks. Topics may include; cost control, schedule, construction quality assurance, permitting, maintenance of traffic, etc.

### **6.2.2.2 Organization and Key Personnel [Page Limit=5]**

#### **6.2.2.2.1 Design-Builder Organizational Structure**

Provide an organizational chart showing the structure of the proposed Design-Build team with lines identifying Major Participants (firms on the Design-Build team) who are responsible for major functions to be performed and their reporting relationships in managing, designing, and building the Project. If desired, identify Minor Participants (firms/team members with less than 30% of the construction or design responsibility) and their reporting responsibilities. Identify the estimated percentage that each participant will provide to the design or construction.

#### **6.2.2.2.2 Key Personnel Organizational Structure**

Provide an organizational chart showing the functional structure of the organization and identifying the Key Personnel by name, position, and company. Resumes to be provided in Appendix A.

Indicate the anticipated office location from which each Key Person will work. Identify all Major Participants in the chart(s). Identify the critical support elements, resources, and relationships including, but not limited to, project management, project administration, construction management, quality control, quality assurance, safety, environmental compliance, and subcontractor administration.

#### **6.2.2.2.3 Key Personnel Availability**

Provide a table that indicates the percentage of time for which each individual identified in the organizational chart will be available to dedicate to this project.

#### **6.2.2.2.4 Functionality Description**

For the organization indicated in the charts, provide a written description of significant functional relationships among participants and how the proposed organization will function as an integrated Design-Build Team.

### **6.2.2.3 Relevant Past Performance and Experience [Page Limit=10]**

Provide a written description of the past experience of the Design-Builder on at least three (3) relevant construction projects (active within the past 5 years) and of the Lead Designer on at least three (3) relevant design projects (active within the past 5 years), to include information on similarly sized projects or complexities in the following areas:

- Design and construction of bridges
- Design and construction of arterial roadways
- Design and construction of intersections, including signalized intersections
- Roadside safety
- Drainage design
- Geotechnical engineering design, including ledge removal
- Bridge demolition/removal

- ROW activities including appraisals, negotiations, and ROW plan development
- Utility coordination
- Environmental compliance and coordination
- Maintenance of traffic
- Public Information/Communication

For each project ensure that the following information is provided:

- Client name, title, telephone number , and e-mail address
- Start and end dates
- Construction Cost (as bid)
- Construction Cost (final)
- Design Cost (if designed by Design-Builder's team member)
- Key personnel from 6.2.2.2 and their roles in the project, if any

## **Appendices**

### **Appendix A - Resumes of Key Personnel**

Appendix A shall include resumes of Key Personnel, limited to a maximum of two pages each. If an individual fills more than one position, only one resume is required. Personnel who staff the key functions listed below shall be identified in the required organizational chart(s), as described in Section 6.2.2.2. Quality Assurance Personnel shall be independent of Design and Construction personnel.

- Design-Builder Project Manager
- Design-Builder Principal-in-Charge
- Construction Project Manager
- Construction Quality Assurance Manager
- Construction Traffic Control Supervisor
- Construction Safety Manager
- Design Manager (Engineer of Record)
- Design Quality Assurance Manager
- Design Lead – Structures
- Design Lead – Roadway
- Design Lead – Traffic
- Geotechnical Engineer
- Right-of-Way Manager
- Environmental Coordinator – Design
- Environmental Coordinator - Construction

Include the following items on each resume:

- Relevant licensing, registration, certifications, and training
- Years of experience performing similar work

- Length of employment with current employer
- Title, roles, and responsibilities on any of the projects listed in Section 6.2.2.3

#### **Appendix B – Safety Plan**

Appendix B shall describe the methods by which the Design-Builder will develop and implement a safety plan for the project to protect workers and the travelling public during all aspects of this project.

#### **Appendix C - Experience Modification Rate**

Appendix C shall provide a copy of the Major Participants' latest three (3) years Experience Modification Rate (EMR) from their insurance carriers. If the EMR value for any Major Participant is greater than 1.25, please include details explaining why the rating is high, and the actions the Major Participant is taking to lower that rating.

#### **Appendix D - Insurance**

Appendix D shall include all proof of compliance with insurance requirements specified herein. The Design-Builder (or the Designer as pass thru) contracting with the Department must provide evidence of its ability to obtain Professional Liability Insurance covering errors and omissions in the amount of not less than \$1,000,000. Evidence shall be in the form of a Certificate of Insurance on an Acor Form or a letter from an insurer or a New Hampshire Resident Agent for an insurer indicating ability to provide such insurance. The insurer must be licensed to do business in the State of New Hampshire and have an A.M. Best rating of A - or better. Commercial General Liability Insurance shall also be in the amount of not less than \$1,000,000 per occurrence and \$2,000,000 in the Aggregate, and shall name the Department as an additional insured. Certificates of Insurance or letter from an insurer as outlined above shall be provided with the SOQ. Proof of other insurance required per the NHDOT Standard Specifications for Road and Bridge Construction (such as Worker Compensation, Automobile Liability, etc.) will be required from the shortlisted Design-Builders only.

#### **Appendix E - Bonding**

Appendix E shall include evidence that the Design-Builder has the ability to provide bonding capacity of at least the current estimated contract value referenced in Section 3.1 for a single contract. Evidence of this single contract bonding capacity (Bid, Performance, and Payment Bonds) shall be in the form of a letter from said Design-Builder's Surety Company indicating a single contract bonding capacity in excess of the required amount. The Surety Company must be licensed to conduct business in New Hampshire and have an A. M. Best rating of A- or better.

#### **Appendix F - Legal Structure**

Appendix F shall include the proposed legal teaming arrangement of the Design-Builder such as: Prime/Subconsultant/Subcontractor, Joint Venture, Limited Partnership, etc. A proposed agreement between the Major Participants must be submitted with the SOQ and must show the responsibility of each party and the Design-Builder as a whole. The Design-Builder desiring consideration for this project shall submit only one SOQ. Receipt of multiple SOQs from a Design-Builder will cause the Department rejection of all SOQs from the Legal Entity.

## 7. Evaluation Process

### 7.1 SOQ Evaluation

SOQs will first be reviewed for four Pass/Fail Criteria, (Section 7.1.1) and then for three Evaluative Criteria (Section 7.1.2). Design-Builders who fail to submit all information required for each Criterion will be rated “Non-Responsive”, deemed "Not Selected", and will not be considered further. However, if the Department finds that there is information missing for any of the Criteria, the Design-Builder will be notified in writing via email and be given the opportunity to submit the missing information within two (2) business days.

After a finding of “Responsive” on the four Pass/Fail Criteria, and then a finding of “Responsive” on each of the three Evaluative Criteria, the Design-Builder’s submittal will be scored by members of the Evaluation Committee as follows:

The rating of each SOQ Evaluation Criteria is based on a rating scale of 0-5. Each evaluation section requires a response to multiple components, which will be evaluated and considered **as a whole for the entire section**. To facilitate and document the process by which each Evaluation Committee member assigns a rating, NHDOT has developed its expectations of the characteristics of a Design-Builder’s response to the RFQ.

**A rating of 5** represents the highest rating, exhibiting **significant strengths or advantages** to the Department.

**A rating of 4** represents a response exhibiting **minor strengths**.

**A rating of 3** represents a response that indicates the Design-Builder has proposed **conventional** capabilities, approaches, or processes, indicating likelihood of acceptable contract performance; has generally qualified personal, and acceptable experience.

**A rating of 2** represents a response exhibiting **minor weaknesses**.

**A rating of 1** represents a response exhibiting **significant weaknesses**.

**A rating of 0** represents the lowest rating, exhibiting **general non-responsiveness** to the requirements of the individual section.

The Evaluative Criteria scores for each criteria by each Evaluation Committee member will then be combined for an overall score for the Design-Builder, with each of the Evaluative Criteria receiving equal weight in this process. NHDOT will prepare a ranked list of Design-Builders, and the highest scoring Design-Builders will be selected and invited to submit proposals.

The Evaluation Committee will consist of Department personnel with the appropriate expertise in one or more of the following: bridge design, bridge construction, highway design, highway construction, utilities, environment, and traffic control. The identities of the Evaluation Committee members are confidential. The Evaluation Committee will be supported by NHDOT technical staff and/or consultants who will review the submitted information and provide assistance to the Evaluation Committee as requested.

NHDOT reserves the right, at its sole discretion, to cancel this RFQ, issue a new Request for Qualifications, reject any or all SOQs, seek or obtain data from any source that has the potential to

improve the understanding and evaluation of the responses to the RFQ, seek and receive clarifications to an SOQ, and waive any deficiencies, irregularities, or technicalities in considering and evaluating the SOQs.

This RFQ does not commit NHDOT to enter into a contract or proceed with the procurement of the Project. NHDOT assumes no obligations, responsibilities, or liabilities, fiscal or otherwise, to reimburse all or part of the costs incurred by the parties responding to this RFQ. All such costs shall be borne solely by each Design-Builder.

### **7.1.1 Pass/Fail Criteria**

SOQs meeting the submission requirements of the Cover Letter, Appendix D, Appendix E, and Appendix F will be given a “Pass” rating and be deemed “Responsive”. SOQs will be given a “Fail” rating and be deemed “Non-Responsive” if any required information is missing.

### **7.1.2 Evaluation Criteria**

#### **7.1.2.1 Project Approach**

Project Approach will be evaluated and rated based upon the responses provided to Section 6.2.2.1. and Appendix B

#### **7.1.2.2 Organization and Key Personnel**

Design-Builder Organization and Key Personnel will be evaluated and rated based upon the responses provided to Section 6.2.2.2. and Appendix A.

#### **7.1.2.3 Relevant Past Performance and Experience**

Past Performance and Experience will be evaluated and rated based upon the responses provided to Section 6.2.2.3. and Appendix C.

## **8. Rights and Obligations of NHDOT**

### **8.1 Reservation of Rights**

In connection with this procurement, NHDOT reserves to itself all rights (which rights shall be exercisable by NHDOT at its sole discretion) available to it under applicable law, including without limitation, the following, with or without cause and with or without notice:

- The right to cancel, withdraw, postpone, or extend this RFQ or the subsequent RFP in whole or in part at any time prior to the execution by NHDOT of a Design-Build contract, without incurring any obligations or liabilities
- The right to issue a new RFQ
- The right at any time to reject any and all submittals, responses, and proposals received
- The right at any time to modify any or all dates set or projected in this RFQ

- The right at any time to terminate evaluations of responses received
- The right at any time to suspend and terminate the procurement process for the project
- The right to revise and modify, at any time prior to the SOQ submittal date, factors to be considered in evaluating responses to this RFQ and to otherwise revise its evaluation methodology
- The right to waive or allow corrections to data submitted with any response to this RFQ
- The right to issue addenda, supplements, and modifications to this RFQ, including, but not limited to, modifications of evaluation criteria or methodology and weighting of evaluation criteria
- The right to permit or reject submittal of addenda and supplements to data previously provided with any response to this RFQ
- The right to hold meetings and conduct discussions and correspondence with one or more of the Design-Builders responding to this RFQ to seek an improved understanding and evaluation of the responses to this RFQ
- The right to seek or obtain data from any source that has the potential to improve the understanding and evaluation of the responses to the RFQ, including the right to seek clarifications from Design-Builders
- The right to permit or deny Design-Builders to add or delete firms and/or key personnel
- The right to add or delete Design-Builder responsibilities from the information contained in this RFQ or the subsequent RFP
- The right to appoint and to change any evaluator
- The right to use assistance of outside technical and legal experts and consultants in the evaluation process
- The right to waive deficiencies, informalities, and irregularities in an SOQ, accept and review a non-conforming SOQ, or seek clarifications or supplements to an SOQ
- The right to disqualify any Design-Builder that changes its submittal without NHDOT approval.
- The right to change the method of award between the date of advertisement of the RFQ and the date of advertisement of the RFP
- The right to respond to all, some, or none of the inquiries, questions, and/or requests for clarification that are received relative to the RFQ
- The right to use all or part of the proposal submitted by an unsuccessful short-listed Design-Builder that accepts a Stipend.